IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5768 of 2007()

[C.R.No.88/2006 OF SULTHAN BATHERY EXCISE RANGE]

: PETITIONER/ACCUSED:

SUSHEELA, D/O. PEETHAMBARAN,
CHENGANKAL HOUSE, VILANGADU P.O., KALLACHI,
VADAKARA, CALICUT DISTRICT.

BY ADV. SRI.S.M.PRASANTH

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5768 of 2007

Dated this the 25th day of September 2007

O R D E R

Second application for anticipatory bail. The petitioner, a woman faces allegations under the Kerala Abkari Act. 25 litres of wash was allegedly recovered from a house in her possession on 13/10/2006. The crime was registered. Investigation is in progress. The petitioner apprehends imminent arrest. The petitioner came to this court earlier and by order dated 22/11/2006 in B.A.No.6797/2006, another bench of this court had dismissed the application for anticipatory bail. The petitioner has come to this court again with a renewed prayer for grant of anticipatory bail.

2. An earlier application for anticipatory bail having been dismissed by this court, it is certainly for the petitioner to show change of circumstances which would justify fresh consideration on merits of the prayer for anticipatory bail by the petitioner. Except that time has elapsed and the investigation must have proceeded further, no other change of circumstance is urged before me.

3. The learned Public Prosecutor submits that while it is true that the investigation has made further progress, the

progress made by the investigation only shows that the allegations against the petitioner are better substantiated. Nothing has been revealed in the subsequent investigation by which the petitioner can claim any benefit or advantage.

4. I have considered all the relevant inputs. I find no change of circumstances which would justify fresh consideration for an application for anticipatory bail. I am satisfied that the decision taken already that the petitioner does not deserve to be granted anticipatory bail by order dated 22/11/2006 in B.A.No.6797/2006 does not deserve any alteration/change. The petitioner must resort to the ordinary and normal procedure of appearing before the investigating officer or the learned Magistrate. She must then seek regular bail in the ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007